

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: CV - _____**

MARION RICE,

Plaintiff,

v.

FINANCIAL ASSET MANAGEMENT
SYSTEMS, INC. and HEATHER DOE,
individually,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

PARTIES

3. Plaintiff Marion Rice (hereinafter "Plaintiff Marion") is a natural person who resides in the City of Rockford, County of Wright, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant Financial Asset Management Systems Inc. (hereinafter "Defendant FAMS") is a foreign corporation and collection agency, with its headquarters at 70 Corporate Hills Drive, St. Charles, MO 63301, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

5. Defendant Heather Doe (hereinafter “Defendant Heather”) is an employee who works for Defendant Financial Asset and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Sometime prior to January 31, 2007, Plaintiff incurred a consumer debt, as that term is defined at 15 U.S.C. § 1692a(5), with Chase.
7. Sometime prior to January 31, 2007, the Chase debt incurred by Plaintiff was forwarded to Defendants for collection.
8. Defendant’s female agent, Defendant Heather calling from 800-530-3908 extension 2343 placed a call to Plaintiff at 4:15 p.m.
9. Defendant’s agent, Defendant Heather lied to Plaintiff and told her:
- “we have an affidavit from your son”;
 - She was “calling from Chase”;
 - “bankruptcy will not protect you from this debt”; and
 - She was “ already in enough trouble” and that she needed to pay the entire amount “immediately.”
10. The threats and accusations made to Plaintiff by Defendants were abusive and harassing, in violation of 15 U.S.C. § 1692d.
11. Defendants’ conduct caused Plaintiff, an 80 year-old woman to experience fear, anxiety and confusion and actual damages.

TRIAL BY JURY

12. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

13. Plaintiff incorporates by reference paragraphs 1 through 12 of this Complaint as though fully stated herein.
14. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
15. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

- for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1), against each and every Defendant;
- for an award of actual damages in an amount greater than \$10,000.00, against each and every Defendant;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every Defendant;

- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendants; and
- for such other and further relief as may be just and proper.

Respectfully submitted,

Dated this 17th day of April, 2007.

CONSUMER JUSTICE CENTER, P.A.

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